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Clyde L. Smith
Reg. No. 46,292
Thompson Coburn LLP
One US Bank Plaza
St. Louis, MO 63101
314-552-6338

Application of: LaBrash	Group Art No.: 3634
Serial No.: 10/809,241	Atty. Docket No.: 66555-43733
Filed: March 25, 2004	
For: I-BEAM MOUNTED WORK LADDER	Examiner: CHIN-SHUE, Alvin C.

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Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

PROVISIONAL ELECTION WITH TRAVERSE

This provisional election with traverse is in response to the Restriction Requirement imposed in the Office Action of April 24, 2005. In the Office Action, it is alleged that the application must be restricted to one of the following groups of claims:

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search between the separately grouped inventions would likely be identical for Groups I and II, and therefore Applicant submits that there is no legitimate reason for restricting the claims in the manner that they have been restricted. MPEP §808.02. Thus, Applicant submits that the restriction of the claims into Groups I and II is improper and should be withdrawn.

The Office Action also fails to provide any rationale or explanation for the restriction requirement between the combination invention of Group I and the method invention of Group III. Regardless of the distinctiveness of the sub-combination invention of Group II and the method invention of Group III suggested in the Office Action, the three-way restriction requires that a distinction also be made between the combination invention of Group I and the method invention of Group III. Thus, the three-way restriction is improper and should be withdrawn.

In view of the foregoing, Applicant requests that the Restriction Requirement be reconsidered and withdrawn. Nonetheless, in accordance with 37 C.F.R. §1.143, Applicant hereby provisionally elects claims 10-16 of group II for prosecution in the event the Restriction Requirement is maintained.

Respectfully submitted,



Clyde L. Smith, Reg. No. 46,292
Thompson Coburn LLP
One US Bank Plaza
St. Louis, Missouri 63101
Telephone: 314-552-6338
Fax: 314-552-7338